

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

GI SELA V. HUSAR,
19365 Cypress Ridge Terrace, #906
Leesburg, Virginia 20175

Plaintiff,

V.

HARRIS TEETER SUPERMARKETS, INC.,

Defendant.

Case No.: _____

NOTICE OF AND PETITION FOR REMOVAL

Petitioner/Defendant, Harris Teeter Supermarkets, Inc. (“Harris Teeter”), by counsel, and pursuant to 28 U.S.C. §1441 *et. seq.*, hereby files this Notice of and Petition for Removal of this action, from the Circuit Court of Loudoun County, in which it is now pending, to the United States District Court for Eastern District of Virginia, Alexandria Division (“Petition”), and in support thereof, respectfully states as follows:

1. Harris Teeter has been named as the defendant in a suit filed in the Circuit Court of Loudoun County, Case No.: CL21-1275. Suit was filed on February 17, 2021.

2. The Registered Agent for Harris Teeter was served or otherwise provided notice of the Summons and Complaint on February 19, 2021. Therefore, this Notice and Petition is timely pursuant to Title 28 U.S.C. § 1446(b)(1).

3. Copies of the Complaint, which was served with the Interrogatories and Request for Production of Documents, as filed in the Circuit Court of Loudoun County, are attached as **Exhibit A**, **Exhibit B** and **Exhibit C** respectively.

4. The above-entitled matter is a civil action in which the Plaintiff alleges Defendant's negligence in connection with an incident that occurred on October 15, 2020 in Loudoun County, Virginia.

5. Plaintiff's Complaint demands Six Hundred Thousand Dollars (\$600,000.00).

6. As alleged in the Complaint, Plaintiff is a current resident of Leesburg, Virginia.

7. Upon information and belief, Harris Teeter is a limited liability company which was organized and incorporated in Matthews, North Carolina. See Exhibit D.

8. As demonstrated above, the above-entitled action is one in which this Court has jurisdiction pursuant to Title 28 U.S.C. §1332(a)(1) as there is complete diversity among the parties. In addition, the amount in controversy exceeds the jurisdictional threshold of \$75,000.00 pursuant to Title 28 U.S.C. § 1332(a). Therefore, Defendant is entitled to remove this action to this Court under Title 28 U.S.C. §1441(b).

9. WHEREFORE, Petitioner/Defendant, Harris Teeter Supermarkets, Inc. respectfully requests that the above-entitled action be removed from the Circuit Court of Loudoun County to the United States District Court for the Eastern District of Virginia, Alexandria Division.

Respectfully submitted this 4th day of March, 2021.

HARRIS TEETER SUPERMARKETS, INC.

By Counsel

/s/ Joshua M. Hoffman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th day of March 2021 a true and accurate copy of the foregoing was filed with the Clerk of Court using the CM/ECF system, and the foregoing was also served via U.S. mail to the following:

Thomas J. Curcio, Esquire
CURCIO LAW
700 N. Fairfax Street, Suite 505
Alexandria, Virginia 22314
Counsel for Plaintiff

/s/ Joshua M. Hoffman

Joshua M. Hoffman